



SA No. 385 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 385 of 2023

1. S.Ramamoorthy
S/o L.Subramani, Sri Basavana Kovil
Village, Guruvinayanapalli Post,
Krishnagiri Taluk and District.

Appellant(s)

Vs

1. T.Kaveri
S/o Thanappan, Sri Basavana Kovil
Village, Guruvinayanapalli Post,
Krishnagiri Taluk and District.

Respondent(s)

PRAYER : Second Appeal filed under section 100 of Code of Civil Procedure to set aside the judgment and decree passed in A.S.No. 33 of 2020 dated 07.09.2022 on the file of the Principal District Court, Krishnagiri confirming the judgment and decree passed in O.S.No. 166 of 2015 dated 19.10.2019 on file of the Additional Special Court, Krishnagiri.

For Appellant(s): Mr.C.Jagadish

For Respondent(s): Mr.B.Bharath Kumar
For Mr.V.Nicholas



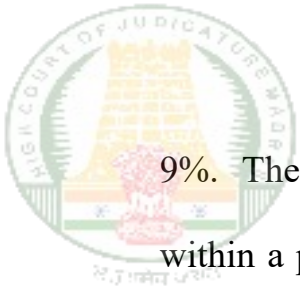
ORDER

Challenging the concurrent findings of the Courts below, the defendant has filed the present Second Appeal, with regard to repayment of the amount with interest at the rate of 12% is under challenge.

2. The learned counsel appearing for the appellant would submit that the appellant is running a small petty shop and that he had only borrowed a sum of Rs.3 lakhs from the plaintiff and there is no contractual interest fixed between them. The courts below, without considering the same has awarded 12% interest. He further submits that he had already paid the principal of Rs.3 lakhs and as he is not able to mobilize funds, interest awarded by the Courts below has not been paid. Hence, the present appeal.

3. Admittedly, the respondent/plaintiff has not filed any appeal as on date. The decree is for refund of Rs.3 lakhs together with interest at the rate of 12% per annum. Further, the appellant had already deposited the sum of Rs.3 lakhs, on 11.07.2023 he had deposited Rs.one lakh before the Execution Court and as per direction of this Court, the appellant had further deposited a sum of Rs.2 lakhs on 10.02.2025 before the Execution Court.

4. Considering the above facts and circumstances, since the appellant is running a petty shop, this Court is inclined to reduce the interest from 12 % to



9%. The appellant is directed to calculate interest and pay the balance amount within a period of four weeks from the date of receipt of a copy of this Order.

On such deposit, the respondent is permitted to withdraw the amount. The appellant is permitted to receive the original document filed by the plaintiff before the trial Court, since it relates to his property. He is entitled to receive the title deed dated 14.12.2001, which was marked as Ex.P.5 before the trial Court by filing appropriate application. After deposit of the entire amount before the Execution Court, on an application being filed by the appellant/defendant, the trial Court is directed to return Ex.P.5 title deed dated 14.12.2001 to the defendant.

5. Accordingly, this Second Appeal is disposed of. No costs.

04-02-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

vrc

To,

1. The Principal District Judge,
Krishnagiri.
2. The Additional Special Judge,
Krishnagiri.



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T.V.THAMILSELVI, J.

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